

**Department of Health  
and Environment**

**Permanent Administrative Regulations**

**Article 15a.—PRIMARY DRINKING WATER  
REGULATIONS**

**GENERAL**

**28-15a-2. Definitions; replaced terms.** (a) For the purposes of articles 15 and 15a, the definitions contained in 40 CFR 141.2, as in effect on July 1, 2003, are hereby adopted by reference with the following alterations:

(1)(A) The definition of “Public water system” shall be replaced with the following: “‘Public water supply system’ means a system for the provision to the public of water for human consumption through pipes or, after August 5, 1998, other constructed conveyances, if the system has at least 10 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. This term shall include the following:

“(1) Any collection, treatment, storage and distribution facilities under control of the operator of the system and used primarily in connection with the system; and

“(2) any collection or pretreatment storage facilities not under this control that are used primarily in connection with the system.

“This term shall not include any ‘special irrigation district.’

“Each public water supply system shall be deemed either a ‘community water supply system’ or a ‘non-community water supply system.’”

(B) The term “public water supply system” shall replace the term “public water system” wherever the latter term appears in any of the text adopted in this article.

(2) The definition of “Community water system” shall be replaced with the following: “‘Community water supply system’ means a public water supply system which has at least 10 service connections used by year-round residents or regularly serves at least 25 year-round residents.”

The term “community water supply system” shall replace the term “community water system” wherever the latter term appears in any of the text adopted in this article.

(3) The definition of “Person” shall be replaced by the following: “‘Person’ means an individual, corporation,

company, institution, association, partnership, township, municipality, county, state, or federal agency that owns, administers, operates, or maintains a public water supply system.”

(4) The following definitions shall be added to 40 CFR 141.2:

(A) “Administrator” means administrator of the environmental protection agency.

(B) “Approved laboratory” means a laboratory certified and approved by the department to analyze water samples to determine compliance with maximum contaminant levels or to perform other required analyses.

(C) “Department” and “primacy agency” mean the Kansas department of health and environment.

(D) “Distribution system” means the system of conduits and appurtenances by which a water supply is distributed to customers.

(E) “Laboratory tests” means all bacteriological, chemical, physical, or radiological tests made by either the departmental laboratory or an approved laboratory on water samples that were submitted by the operator of a public water supply system to confirm the quality of water.

(F) “Operating records and reports” means the daily record and the monthly report of data connected with the operation of the public water supply system’s facilities.

(G) “Secretary” and “state” mean the secretary of the Kansas department of health and environment.

(H) “Significant deficiency” means any defect in a public water supply system’s design, operation, maintenance, or administration, as well as any failure or malfunction of any system component that causes, or has the potential to cause, an unacceptable risk to health or that could affect the reliable delivery of safe drinking water.

(I) “Turbidity” means the cloudy condition of water caused by the presence of finely suspended matter, including clay, silt, plankton, and microscopic organisms, resulting in the scattering and absorption of light rays. Turbidity is measured in nephelometric turbidity units (NTU).

(b) For the purposes of this article, the following terms and phrases appearing in the federal regulations adopted by reference in these regulations shall be defined or replaced as specified in this subsection:

(1) “SDWA” means the safe drinking water act, 42 U.S.C.S. § 300f et seq., formerly Pub. L. 104-182 et seq., and amendments thereto.

(2) “This part” and “part” shall be replaced by “this article” and “article.”

(3) “This subpart” and “subpart” mean that specific, named group of primary drinking water regulations in which the regulation is placed within this article.

(4) “Must” shall be replaced by “shall.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-3. Coverage; conditions for exclusion.** The provisions of 40 CFR 141.3, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-4. Variances and exemptions for small systems.** Variances or exemptions from certain provisions of these regulations may be granted by the secretary pursuant to 40 CFR Part 142, subpart K, sections 301 through 307, as in effect on July 1, 2003, and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-6. Effective dates.** (a) The provisions of 40 CFR 141.6(j), as in effect on July 1, 2003, are hereby adopted by reference.

(b) The following text shall be added: “All internal requirements regarding effective dates which have passed, completion dates which have passed, or beginning compliance dates which have passed within a C.F.R. that is adopted by reference shall be replaced with the date these regulations become effective.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

## MAXIMUM CONTAMINANT LEVELS

**28-15a-11. Maximum contaminant levels for inorganic chemicals.** The provisions of 40 CFR 141.11(d), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

## MONITORING AND ANALYTICAL REQUIREMENTS

**28-15a-21. Coliform sampling.** Each person who operates a public water supply system shall comply with the monitoring and analytical requirements for coliforms contained in 40 CFR 141.21, as in effect on July 1, 2003 and hereby adopted by reference except for 141.21(a)(2) and (a)(3), which are replaced with the following text:

“(a)(2) The sampling period for microbiological compliance shall be one calendar month for all public water supply systems.

“(a)(3) Number of required samples.

“(i) Each public water supply system that uses surface water as its source of supply and serves a population of 4,100 or less shall take a minimum of four water samples each sampling period.

“(ii) Each public water supply system that uses surface water as its source of supply and serves a population greater than 4,100 shall take water samples according to the schedule prescribed in subsection (a)(3)(iv).

“(iii) Each public water supply system that uses groundwater as its source of supply and each public water supply system that purchases water from another public water supply system shall take water samples according to the schedule specified in paragraph (a)(3)(iv).

“(iv) Each public water supply system shall assure that routine samples are collected at regular time intervals and analyzed for total coliform bacteria as specified in the following table.

Population Served	Minimum number of samples per sampling period
25 to 2,500 .....	2
2,501 to 3,300 .....	3
3,301 to 4,100 .....	4
4,101 to 4,900 .....	5
4,901 to 5,800 .....	6
5,801 to 6,700 .....	7
6,701 to 7,600 .....	8
7,601 to 8,500 .....	9
8,501 to 12,900 .....	10
12,901 to 17,200 .....	15
17,201 to 21,500 .....	20
21,501 to 25,000 .....	25
25,001 to 33,000 .....	30
33,001 to 41,000 .....	40
41,001 to 50,000 .....	50
50,001 to 59,000 .....	60
59,001 to 70,000 .....	70
70,001 to 83,000 .....	80
83,001 to 96,000 .....	90
96,001 to 130,000 .....	100
130,001 to 220,000 .....	120
220,001 to 320,000 .....	150
320,001 to 450,000 .....	180

For each additional 150,000 in population, an additional 30 water samples shall be analyzed per sampling period.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-23. Inorganic chemical sampling and analytical requirements.** Each person who operates a public water supply system shall comply with the sampling and analytical requirements specified in 40 CFR 141.23, as in

effect on July 1, 2003 and hereby adopted by reference, with the addition of the following text, which shall be added at the beginning of 40 CFR 141.23(c):

“Inorganic analysis for calcium, chloride, iron, magnesium, manganese, pH, potassium, silica, sodium, specific conductance, sulfate, total alkalinity, total dissolved solids, total hardness, and total phosphorus shall be required from each community water supply system with its own source of supply and from each non-transient, non-community water supply system with its own source of supply. Each person operating a groundwater system shall take one sample at each sampling point during each compliance period. Each person operating a surface water system (or combined surface water and groundwater system) shall take one sample annually at each sampling point.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-24. Requirements for sampling and analyzing organic chemicals.** The provisions of 40 CFR 141.24, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-25. Analytical methods for measuring radioactivity.** The provisions of 40 CFR 141.25, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-26. Frequency of monitoring for radioactivity.** The provisions of 40 CFR 141.26, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-27. Alternate analytical techniques.** The provisions of 40 CFR 141.27, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-28. Approved laboratories.** The provisions of 40 CFR 141.28, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-29. Monitoring of consecutive public water supply systems.** The provisions of 40 CFR 141.29, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

## REPORTING AND RECORDKEEPING

**28-15a-31. General reporting requirements.** The provisions of 40 CFR 141.31, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-33. General record maintenance.** The provisions of 40 CFR 141.33, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

## SPECIAL MONITORING REGULATIONS AND PROHIBITION ON LEAD USE

**28-15a-41. Special monitoring for sodium.** The provisions of 40 CFR 141.41, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-42. Special monitoring for corrosivity characteristics.** The provisions of 40 CFR 141.42, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-43. Prohibition on use of lead pipes, solder, and flux.** The provisions of 40 CFR 141.43(a) and (d), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

## MAXIMUM CONTAMINANT LEVELS AND MAXIMUM RESIDUAL DISINFECTANT LEVELS

**28-15a-60. Effective dates for maximum contaminant levels and maximum residual disinfectant levels.** The provisions of 40 CFR 141.60, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-61. Maximum contaminant levels for organic contaminants.** The provisions of 40 CFR 141.61, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-62. Maximum contaminant levels for inorganic contaminants.** The provisions of 40 CFR 141.62, as in effect on July 1, 2003, are hereby adopted by reference with the addition of the following text:

“(e) The maximum contaminant level for arsenic shall apply only to community water supply systems. The analyses and determination of compliance with the 0.05 milligrams per liter maximum contaminant level for arsenic shall conform to the requirements of K.A.R. 28-15a-23.

“(f) The maximum contaminant level for arsenic shall be 0.05 milligrams per liter for community water supply systems until January 23, 2006.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-63. Maximum contaminant levels for microbiological contaminants.** The provisions of 40 CFR 141.63, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-64. Maximum contaminant levels for disinfection byproducts.** The provisions of 40 CFR 141.64, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-65. Maximum residual disinfectant levels.** The provisions of 40 CFR 141.65, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-66. Maximum contaminant levels for radionuclides.** The provisions of 40 CFR 141.66, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

## FILTRATION AND DISINFECTION

**28-15a-70. General requirements for filtration and disinfection.** The provisions of 40 CFR 141.70(a) through (c), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-72. Disinfection.** Each person who operates a public water supply system using a surface water source or groundwater under the direct influence of a surface water source shall comply with the disinfection requirements specified in 40 CFR 141.72, as in effect on July 1, 2003 and hereby adopted by reference, with the following alterations:

(a) 40 CFR 141.72(a) shall be deleted.

(b) 40 CFR 141.72(b)(3)(i) shall be replaced with the following text:

“When chlorination is employed, a sufficient amount of chlorine shall be added to the water to maintain a distribution system chlorine residual of at least 0.2 mg/L of free chlorine or 1.0 mg/L of combined chlorine.

“Failure to maintain a residual as specified in paragraph (b)(1) in more than five percent of measurements taken each month, in any two consecutive months, shall be deemed a violation of this regulation.

“Each day the public water supply system serves water to customers, the operator shall make a measurement of the chlorine residual. The data shall be recorded in a manner that enables the secretary to determine whether or not the requirements of this regulation have been met.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-73. Filtration.** Each person who operates a public water supply system that uses a surface water source or groundwater under the direct influence of a surface water source shall comply with the filtration requirements specified in 40 CFR 141.73, as in effect on July 1, 2003 and hereby adopted by reference, with the following modifications:

(a) 40 CFR 141.73(a)(4) shall be replaced with the following: “Beginning January 1, 2005, public water supply systems serving fewer than 10,000 people shall meet the turbidity requirements in 40 CFR 141.550 through 40 CFR 141.553.”

(b) 40 CFR 141.73(d) shall be replaced with the following: “Other filtration technologies. A public water supply system may use a filtration technology not listed in subsections (a) through (c) of this regulation if it demonstrates to the state, using pilot plant studies or other means, that the alternative filtration technology, in combination with disinfection treatment that meets the requirements of 40 CFR 141.72(b), consistently achieves either 99.9 percent removal or inactivation, or both, of *Giardia lamblia* cysts and either 99.99 percent removal or inactivation of viruses, or both. For a system that makes this demonstration, the requirements of subsection (b) of this regulation shall apply. Beginning January 1, 2002, systems serving at least 10,000 people shall meet the requirements for other filtration technologies in 40 CFR 141.73(b). Beginning January 1, 2005, systems serving fewer than 10,000 people shall meet the requirements for other filtration technologies in 40 CFR 141.550 through 40 CFR 141.553.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-74. Filtration and disinfection: analytical and monitoring requirements.** The provisions of 40 CFR 141.74, as in effect on July 1, 2003, are hereby adopted by

reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-75. Filtration and disinfection: reporting and recordkeeping requirements.** The provisions of 40 CFR 141.75, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-76. Filter recycling requirements.** The provisions of 40 CFR 141.76, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

#### CONTROL OF LEAD AND COPPER

**28-15a-80. General requirements for control of lead and copper.** The provisions of 40 CFR 141.80, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-81. Applicability of corrosion control treatment steps.** The provisions of 40 CFR 141.81, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-82. Requirements for corrosion control treatment.** The provisions of 40 CFR 141.82(a) through (h), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-83. Requirements for source water treatment.** The provisions of 40 CFR 141.83(a) through (b)(6), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-84. Requirements for lead service line replacement.** The provisions of 40 CFR 141.84, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-85. Requirements for public education and supplemental monitoring.** The provisions of 40 CFR 141.85, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-86. Monitoring requirements for lead and copper in tap water.** The provisions of 40 CFR 141.86, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-87. Monitoring requirements for water quality parameters.** The provisions of 40 CFR 141.87, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-88. Monitoring requirements for lead and copper in source water.** The provisions of 40 CFR 141.88, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-89. Analytical methods for control of lead and copper.** The provisions of 40 CFR 141.89, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-90. Reporting requirements for lead and copper control.** The provisions of 40 CFR 141.90, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-91. Recordkeeping requirements for lead and copper control.** The provisions of 40 CFR 141.91, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

#### USE OF NON-CENTRALIZED TREATMENT DEVICES

**28-15a-100. Requirements for public water supply systems using point-of-entry devices.** The provisions of 40 CFR 141.100, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-101. Use of bottled water.** Each person operating a public water supply system shall ensure that the system uses bottled water only in accordance with 40 CFR 141.101, as in effect on July 1, 2003 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

## TREATMENT TECHNIQUES

**28-15a-110. General requirements for treatment techniques.** The provisions of 40 CFR 141.110, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-111. Treatment techniques for acrylamide and epichlorohydrin.** The provisions of 40 CFR 141.111, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

## DISINFECTANT RESIDUALS, DISINFECTION BYPRODUCTS, AND DISINFECTION BYPRODUCT PRECURSORS

**28-15a-130. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors: general requirements.** The provisions of 40 CFR 141.130, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-131. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors: analytical requirements.** The provisions of 40 CFR 141.131, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-132. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors: monitoring requirements.** The provisions of 40 CFR 141.132, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-133. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors: compliance requirements.** The provisions of 40 CFR 141.133, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-134. Disinfectant residuals, disinfection byproducts, and disinfection byproduct precursors: reporting and recordkeeping requirements.** The provisions of 40 CFR 141.134, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-135. Treatment technique for control of disinfection byproduct precursors.** The provisions of 40 CFR 141.135, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

## CONSUMER CONFIDENCE REPORTS

**28-15a-151. Applicability of requirement for consumer confidence reports.** The provisions of 40 CFR 141.151 and appendix A to subpart O of part 141, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-152. Effective dates for required consumer confidence reports.** The provisions of 40 CFR 141.152, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-153. Content of consumer confidence reports.** The provisions of 40 CFR 141.153, as in effect on July 1, 2003, are hereby adopted by reference. However, the text in 40 CFR 141.153(d)(1)(i) shall be replaced by the following: "Contaminants subject to an MCL, action level, maximum residual disinfectant level, treatment technique for regulated contaminants, and those contaminants listed in K.A.R. 28-15a-23 which are not subject to an MCL but are still required to be monitored." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-154. Required additional health information.** The provisions of 40 CFR 141.154, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-155. Report delivery and recordkeeping.** The provisions of 40 CFR 141.155, as in effect on July 1, 2003, are hereby adopted by reference, with the following alterations:

(a) The text in 40 CFR 141.155(c) shall be replaced by the following: "No later than the date a community water supply system is required to distribute the report to its customers, that system shall mail a copy of the report to the department, including a certification of delivery that the report has been distributed to customers and that the information is correct and consistent with the compliance monitoring data contained in the report."

(b) The text in 40 CFR 141.155(g) shall be deleted. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

ENHANCED FILTRATION AND DISINFECTION FOR  
SYSTEMS SERVING 10,000 OR MORE PEOPLE

**28-15a-170. General requirements for enhanced filtration and disinfection for subpart H systems serving 10,000 or more people.** The provisions of 40 CFR 141.170, as in effect on July 1, 2003, are hereby adopted by reference with the following alterations:

(a) 40 CFR 141.170(c) shall be deleted.

(b) 40 CFR 141.170(d) shall be replaced with the following: "The persons operating Subpart H public water supply systems that did not conduct optional monitoring under 40 CFR 141.172 because the public water supply systems served fewer than 10,000 persons when such monitoring was required, but serve more than 10,000 persons before January 1, 2005 shall comply with 40 CFR 141.170, 141.171, 141.173, 141.174, and 141.175. The persons operating these public water supply systems shall also consult with the state to establish a disinfection benchmark. Each person that operates a public water supply system who decides to make a significant change to the disinfection practice, as described in 40 CFR 141.172(c)(1)(i) through (iv), shall consult with the state before making the change." (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-172. Disinfection profiling and benchmarking for subpart H systems serving 10,000 or more people.** The provisions of 40 CFR 141.172, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-173. Enhanced filtration requirements for subpart H systems serving 10,000 or more people.** The provisions of 40 CFR 141.173, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-174. Enhanced filtration sampling requirements for subpart H systems serving 10,000 or more people.** In addition to the monitoring requirements of K.A.R. 28-15a-74, each person who operates a public water supply system that is supplied by surface water or groundwater under the direct influence of surface water, serves at least 10,000 people, and provides conventional or direct filtration treatment shall comply with the filtration sampling requirements contained in 40 CFR 141.174, as in effect on July 1, 2003 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-175. Enhanced filtration and disinfection reporting and recordkeeping requirements for subpart H systems serving 10,000 or more people.** In addition to complying with the reporting and recordkeeping requirements of K.A.R. 28-15a-75, each person who operates a public water supply system that is supplied by surface water or groundwater under the direct influence of surface water, serves at least 10,000 people, and provides conventional or direct filtration treatment shall comply with the reporting and recordkeeping requirements contained in 40 CFR 141.175, as in effect on July 1, 2003 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

PUBLIC NOTIFICATION OF  
DRINKING WATER VIOLATIONS

**28-15a-201. General requirements for public notification.** Each person who operates a public water supply system shall comply with 40 CFR 141.201 and appendices A, B, and C to subpart Q of part 141, as in effect on July 1, 2003 and hereby adopted by reference, with the exception that endnote 8 to appendix B shall be replaced with the following text:

"There are various regulations that set turbidity standards for different types of public water supply systems, including 40 CFR 141.13, the 1989 surface water treatment rule (SWTR), the 1998 interim enhanced surface water treatment rule (IESWTR) and the 2001 long term 1 enhanced surface water treatment rule (LT1ESWTR). For public water supply systems subject to the IESWTR (systems serving at least 10,000 people, using surface water or groundwater under the influence of surface water) that use conventional or direct filtration, after January 1, 2002, the turbidity level of a public water supply system's combined filter effluent shall not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a public water supply system's combined filter effluent shall not exceed 1 NTU at any time. Public water supply systems subject to the IESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration shall meet turbidity limits set by the primacy agency. For public water supply systems subject to the LT1ESWTR (public water supply systems serving fewer than 10,000 people, using surface water or groundwater under the influence of surface water) that use conventional or direct filtration, after January 1, 2005 the turbidity level of a public water supply system's combined filter effluent shall not exceed 0.3 NTU in at least 95 percent of monthly measurements, and the turbidity level of a public water supply system's combined filter effluent shall not exceed 1 NTU at any

time. Public water supply systems subject to the LT1ESWTR using technologies other than conventional, direct, slow sand, or diatomaceous earth filtration shall meet turbidity limits set by the primacy agency.” (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-202. Tier 1 public notice: form, manner, and frequency of notice.** The provisions of 40 CFR 141.202, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-203. Tier 2 public notice: form, manner, and frequency of notice.** The provisions of 40 CFR 141.203, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-204. Tier 3 public notice: form, manner, and frequency of notice.** The provisions of 40 CFR 141.204, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-205. Content of public notice.** The provisions of 40 CFR 141.205, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-206. Notice to new billing units or new customers.** The provisions of 40 CFR 141.206, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-207. Special notice of availability of results of unregulated contaminant monitoring.** Each person operating a public water supply system that is required to monitor for unregulated contaminants under 40 CFR 141.40 shall comply with the provisions of 40 CFR 141.207, as in effect on July 1, 2003 and hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-208. Special notice for exceedance of the secondary maximum contaminant level (SMCL) for fluoride.** The provisions of 40 CFR 141.208, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-209. Special notice for nitrate exceedances above MCL by non-community water supply systems (NCWSS).** The provisions of 40 CFR 141.209, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-210. Notice by department on behalf of the public water supply system.** The provisions of 40 CFR 141.210, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

#### ENHANCED FILTRATION AND DISINFECTION FOR SYSTEMS SERVING FEWER THAN 10,000 PEOPLE

**28-15a-500. General requirements for enhanced filtration and disinfection for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.500, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-501. Applicability of general requirements for enhanced filtration and disinfection in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.501, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-502. Effective dates of requirements for enhanced filtration and disinfection in subpart H systems serving fewer than 10,000 people.** The requirements for enhanced filtration and disinfection for public water supply systems serving fewer than 10,000 people shall be effective on and after January 1, 2005 except where otherwise noted. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-503. Compliance criteria for enhanced filtration and disinfection in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.503(c) through (g), as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-530. Disinfection profiling for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.530, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)



**28-15a-531. Criteria for avoiding disinfection profiling in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.531, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-532. Effective dates for required disinfection profiling in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.532, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-533. Collection of disinfection profile data for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.533, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-534. Calculation of inactivation ratio for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.534, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-535. Inactivation ratio for viruses in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.535, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-536. Retention of disinfection profile data for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.536, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-540. Disinfection benchmark for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.540, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-541. Significant changes to disinfection practice in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.541, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-542. Consultation regarding significant change to disinfection practice for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.542, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-543. Calculation of disinfection benchmark for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.543, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-544. Disinfection benchmark for primary disinfectants other than chlorine for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.544, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-550. Requirements for combined filter effluent turbidity in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.550, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-551. Limits for strengthened combined filter effluent turbidity in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.551, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-552. Alternative filtration demonstration for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.552, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-553. Special provision for combined filter effluent in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.553, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-560. Requirements for individual filter turbidity in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.560, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized

by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-561. Contingency requirements for monitoring of individual filter turbidity in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.561, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-562. Special provision for continuous monitoring of combined filter effluent turbidity in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.562, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-563. Follow-up actions to monitoring of individual filter turbidity for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.563, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-564. Special provision for alternative turbidity exceedance levels in subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.564, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-570. Reporting requirements for enhanced filtration and disinfection for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.570, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)

**28-15a-571. Recordkeeping requirements for enhanced filtration and disinfection for subpart H systems serving fewer than 10,000 people.** The provisions of 40 CFR 141.571, as in effect on July 1, 2003, are hereby adopted by reference. (Authorized by and implementing K.S.A. 65-171m; effective Oct. 1, 2004.)